IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 157 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BABUBHAI SAMJIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 157 of 1995

Mr. Chirag B. Dastoor for Petitioner No. 1-2

NOTICE SERVED BY DS for Respondent No. 1-3

NOTICE SERVED for Respondent No. 4

MR MB GANDHI for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/12/2002

ORAL JUDGEMENT

Heard learned advocate Mr. C.B. Dastoor for the petitioner; Mr.H.C. Patel, learned AGP for the respondents State Authorities; Mr. M.B.Gandhi, learned advocate for respondent No.4. This petition was admitted by this court by issuing rule thereon by order dated 26.4.95.

By way of this petition, the petitioner has challenged the order passed by the Secretary, Revenue Department in revision application no. 31 of 1994 dated 26th October, 1995. It was submitted by the learned advocate Mr. Dastoor on behalf of the petitioner that the land which was demanded by the petitioner has now been already allotted to the Respondent No. 3 by the revenue authority but he submitted that the revision application has been rejected by respondent no.1 namely revisional authority in absence of the petitioner as the petitioner could not remain present and, therefore, he submitted that that let the revisional authority may reconsider the matter for the rest of the portion of the same land and to pass appropriate orders after giving reasonable opportunity of hearing to the petitioner.

It was submitted by the learned AGP Mr. H.C. Patel on behalf of the respondent authorities that if the petitioner will approach the respondent No.1, then, the respondent No.1 will reconsider the mater and will pass appropriate orders in accordance with law after hearing the petitioner.

Considering the submissions made by the learned advocates for the parties, it is observed that it will be open for the petitioner to approach the respondent No.1 by making some suitable application in the form of representation with all details within fifteen days from today. As and when such representation is received by the respondent No.1 from the petitioner, it is directed to the respondent no.1 to reconsider the matter as per the representation submitted by the petitioner and to pass appropriate orders in accordance with law after hearing the petitioner within two months from the date of receipt of such representation and to communicate such decision to the petitioner.

With these observations and directions, this petition is disposed of without observing anything on the merits of the matter. Rule is discharged. There shall be no order as to costs.

Dt.20.12.2002. (H.K. Rathod,J.)

Vyas